

Introduction

Upon my arrival at Gander Hill Prison, during my intake I stated that I was going through alcohol withdrawals.

I never got any Proto call for alcohol withdrawals, and it's funny I went through it once before in Gander Hill with the same medical service and I ended up going into a seizure before they put me down the infirmary for alcohol withdraw proto call, I should have file a law suit than, I'm sure some were it's documented.

I know I'm by fact not suppose to draw options or conclusion according to this case, but according to the disposition of there dismissal they have drawn conclusion and options there selves.

I also stated to the intake nurse that I was a chronic care patient and had hepatitis C and Degenitive Arthritics and needed my medications, but nothing was done at that time.

I put in sick call after sick call slips until finally I was called down to medical for a examination whom may I call some what of a nurse practitioner who informed me at that time that they didn't hand out meds for arthritis.

I repeatedly put in sick call slips and was seen about a month later, at that time by another nurse practitioner whom also told me that I couldn't receive arthritics medications as well, who by the way, name is Diana, and my I add didn't work out to well because of her poor performance on the job.

Later in this suit I plan on introducing people that have in fact worked for C, M, S and will in fact testify as to the reputation of there company and what really goes on behind the scene.

She than offered me Motrin which I told her that I could not take because I had hepatitis C, and it would in fact be bad on my liver, she told me at that time that I would just have to deal with it, point blank?

I than started filing grievances to one Linda Hunter who than at the time was there medical supervisor, which by the way was fired to because of her poor proformance on the job.

Mrs. Hunter offered me every thing but the kitchen sick so to speak?

She told me that if in fact I sign off on my grievances that she would in fact make sure that I got the proper medications and a bottom bunk, and a extra blanket, but at the time I didn't trust her , so I didn't sign off on the grievances.

I continued to put in grievance after grievance to the wardens office than they finally got me down to see a Doctor whom by the way I would call a ringer at this time, you see they didn't want to amitt there mistake knowing very well at this time I had in fact filed a law suit on this matter.

They at that time supervised my visit with the doctor and preceded to tell the

doctor how to treat my case, I told her than if she did in fact let them dictate her authority I would in fact include her in my law suit, oh by the way this is the same nurse whom in fact poison me in the med line by giving me alcohol to drink instead of water with my meds because I had apart to do with getting Linda Hunter fired, I also put in a grievance over that as well, witch by the way I can't fine in my legal work.

Sure enough they managed to give me 50 aspirins for 90 days.

I said to the nurse whom supervised the visit what, am I suppose to be in pain for the other 30 days because they made the prescription for 90 days.

At that time they brought in some other girl who preceded to take down my info for all my doctors and in fact did sign release forms so they could obtain all my medical information from my doctors, which by the way was never done.

If you check in any of my files you see that it hasn't ever been done.

I was right back were I started from when someone told me to wright the Center For Justice, in witch I did and meet as you can see by the letter in this brief one Ms Nikita Robins, whom spoke in my behalf.

Shortly afer that they got me down to see one Doctor Kendal who in fact recognized my needs an gave me the meds, that I needed and a bottom bunk pass as well.

All that pain I suffered, night and day, some times my pain leave was at about a 8 or 9.

Doctor Kendal says to me ? What Mr Collins you need arthritics meds, well lets see what we have on the chart of meds that were allow to proscribe, sure enough there was naproxen on the list, witch he perceive for me.

They even made it hard for me to get my meds refilled , when it was time to get them filed again, sometimes I would have to go weeks, once or twice I went without then as high as a month.

The facts are here in the documents that I have as prof with this case as in the medication administration records.

I arrive in Gander Hill about June the 13 and I had received no meds up until, according to there med sheets here, some were in the 7th month 5th day of July, according to there chart here you see in section 3.

They have had it quit confecting to leave out the grievances that I had written up until this date, but there case has indeed a lot of holes in it, which I shall intend to prove.

As you see from there med sheets were I have highlighted the times were I went without my meds, and they even took me off one of my meds that Doctor Joshi who is and was my phcyitires at the time I was in Gander Hill and on the street as well, as soon as he left they decided to take me off my tryzadone because it was to

expensive for them to keep me on, but I know a lot of other people that were still taking it after they took mine away.

Background

As the prosecutor in this case very well knows that while I was indeed incarcerated I had know real access to a computer to file briefs such as this one in the amendment of this case, but did in fact say that upon my release I would in fact make every afford, and utilize all my resources to retrieve information pertaining to this case.

As your Honor can see I'm good to my word and will in fact be in the federal law library every chance I get in the federal building.

The prosecutor and the attorney in C M S case has has indeed made every afford to dismiss this case on the hope that I would buy this theory in which I wouldn't attempt to amend.

Discussion

Its my contention to in fact utilize every source I have according to certain insatiable facts in this case.

I feel it's the common decency of all people no matter of position, status or rank to operate in a reasonable manner in what ever position they my hold in the sanctity of life and in moral decency pertaining to all man kind.

The prosecutor would have all us believe that the warden can do just about anything and be immun. from all obligations and responsibility.

I say if in fact the laws are set forth to protect him then they should protect me as well, and that very well goes for CMS as well.

The prosecutor is very adverse in resighting cases in which I personally have know first hand knowledge of at this time only to try and scare me off, so to speak.

I contend that in fact according to what the warden has sent me back in section 2 of this amendment is certainly enough prof. that he has aware of certain discrepancies in this matter before you.

And the prof that I have set before you in all other sections is enough prof to proceed in this matter set before the court this day.

I at this time would indeed like to thank the prosecutor in this case for the challenge, she is indeed teaching me a great deal about law and proceedings.

Statement Of Claim

My claim ageist one Raphael Williams, warden of Gander Hill Prison is for the sum of, one hundred thousand dollars in punitive damages according to the eight amendment violations in this case.

Statement Of Claim

My claim ageist CMS medical services is for the sum of five hundred thousand dollars for punitive damages according to the eight amendment violations in this case.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 1-D

FROM: Sgt. Moody, Inmate Grievance Chairperson

DATE: 8-25-05

RE: YOUR RECENT GRIEVANCE #05- 16475

This memo is to inform you that the grievance submitted by you dated 8-22-05, regarding extra blanket / egg crate mattress is not grievable for the following reason(s):

☐ The complaint was addressed by the IGC: _____.

☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).

☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.

☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.

☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.

☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:

☒ This is an issue/complaint that has already been grieved by you or another inmate. 05-14983

☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.

☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.

☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 1-D
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 8-29-05
RE: YOUR RECENT GRIEVANCE #05- 14983

This memo is to inform you that the grievance submitted by you dated 8-28-05, regarding egg crate mattress is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment).
Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☒ **This is an issue/complaint that has already been grieved by you or another inmate. 14983. I/M Collins, egg crates are not used in the facility for safety/security reasons. You are advised to submit a sick call slip to address your medical concerns/needs.**
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 1-E
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 11-28-05
RE: YOUR RECENT GRIEVANCE #05- 20553

This memo is to inform you that the grievance submitted by you dated 11-18-05, regarding copy of grievances is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____.
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☒ This is an issue/complaint that has already been grieved by you or another inmate. 05-19474.
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 1-D
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 9-8-05
RE: YOUR RECENT GRIEVANCE #05- 16945

This memo is to inform you that the grievance submitted by you dated 9-5-05, regarding
copy of grievance is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____.
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment).
Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☐ This is an issue/complaint that has already been grieved by you or another inmate. _____.
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 2R
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 5/5/06
RE: YOUR RECENT MEDICAL GRIEVANCE #06- 36423

This memo is to inform you that the grievance submitted by you dated 4/9/06, regarding medical concern(s) is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____.
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the hearing decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☒ **Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is: Mr. William Joyce, Health Services Administrator, C.M.S.**

- ☐ This is an issue/complaint that has already been grieved by you or another inmate. # _____
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins *HC*

FROM: Sgt. Moody, Inmate Grievance Chairperson

DATE: 1-6-06

RE: YOUR RECENT GRIEVANCE #06- 22152

This memo is to inform you that the grievance submitted by you dated 1-2-06, regarding Clothing is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____.
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☐ This is an issue/complaint that has already been grieved by you or another inmate. _____.
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

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STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Harry Collins 2Y
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 4/13/06
RE: YOUR RECENT GRIEVANCE #06-30944

This memo is to inform you that the grievance submitted by you dated _____, regarding _____ is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☐ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☒ This is an issue/complaint that has already been grieved by you or another inmate. 28886
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

_____ Action request is inappropriate or not completed. Inmate must make an actual request, such as, request that an investigation be conducted (inmates are not forwarded results of investigations that involve staff conduct).

_____ Documentation must be attached to the grievance when it is resubmitted that supports allegations/complaint, such as commissary receipts, Form 537, etc. The IGC will make copies of items submitted with the grievance and return the originals to the inmate.

_____ This complaint should be addressed by submitting a sick call slip. If you are experiencing any type medical condition, please submit a sick call slip.

✓
_____ Other: Requests are not processed through the grievance procedure.

_____ Other: Please be advised that you have submitted your grievance on the wrong form. Please re-submit using the correct grievance form.

cc: file

Exhibit B Section 2 of this Amendment.

Pertaining to Sargent Moody who is in fact is in charged of the grievance committee, who at this time I will name as responsible member of Mr. Williams staff and when in fact I receive no results from her, I in fact grieved it to him personally.

And at this time will add into evidence the complete nature of my changes when it come to Correctional Medical Systems and due possess in evidence there of in fact and nature of my case a list of copies of the grievances that I have submitted, but in fact don't know if I can obtain the original copies of what I was sent in place there of.

Grievance list

- (1) 05-14983, 7-6-05
- (2) 05-16077, 8-15-05
- (3) 05-18320, 10-7-05
- (4) 05-18322, 10-7-05
- (5) 05-19474, 10-31-05
- (6) 05-21354, 12-21-05
- (7) 05-21425, 12-22-05
- (8) 05-22004, 12-30-05
- (9) 05-21790, 12-30-05
- (10) 06-28886, 4-4-06
- (11) 06-31024, 4-12-06
- (12) 06-30967, 4-12-06
- (13) 06-31043, 4-13-06
- (14) 06-31203, 4-13-06
- (15) 06-33603, 4-25-06

①

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins 1-D 14
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 7-6-05
RE: MEDICAL GRIEVANCE # 05-14983

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

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Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins 1-D
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 8-15-05
RE: MEDICAL GRIEVANCE #05-16177

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

③

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

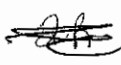
TO: Harry Collins ~~SA~~
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 10-7-05
RE: MEDICAL GRIEVANCE #05-18320

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

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Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins 

FROM: Sgt. M. Moody, Inmate Grievance Chair

DATE: 10-7-05

RE: MEDICAL GRIEVANCE # 05-18322

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

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Howard R. Young Correctional Institution
Inter-Dept. Memo

TO: Harry Collins 2.5
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 10-31-05
RE: GRIEVANCE #05-19474

Please be advised that your grievance has been received in the office of the Grievance Chair regarding copy of grievances.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Resident Grievance Committee (RGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis.

Thank you for your patience.

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Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

2G-2

TO: Harry Collins DE
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 12.21.05
RE: MEDICAL GRIEVANCE #05-21354

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

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Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins ~~1e~~

FROM: Sgt. M. Moody, Inmate Grievance Chair

DATE: 12-22-05

RE: MEDICAL GRIEVANCE # 05-21425

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

8

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins 2-G
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 12-30-05
RE: MEDICAL GRIEVANCE # 05-2004

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

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Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: Harry Collins 1-E
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: 12-30-05
RE: MEDICAL GRIEVANCE # 05-21990

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

10

Howard R. Young Correctional Institution
Inter-Dept. Memo

TO: *Harry Collins 27*
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: *4/4/06*
RE: GRIEVANCE # *06-28886*

Please be advised that your grievance has been received in the office of the Grievance Chair regarding *Meds line*.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Resident Grievance Committee (RGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis.

Thank you for your patience.

11

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO:

Harry Collins ~~AM~~

FROM:

Sgt. M. Moody, Inmate Grievance Chair

DATE:

4/12/06

RE:

MEDICAL GRIEVANCE # 06-31024

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

(12)

Howard R. Young Correctional Institution
Inter-Dept. Memo

TO: *Harry Collins* *2011*
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: *4/12/06*
RE: GRIEVANCE # *06 - 30967*

Please be advised that your grievance has been received in the office of the Grievance Chair regarding *CO. Powell*.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Resident Grievance Committee (RGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis.

Thank you for your patience.

13

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO: *Harry Collins* ~~XXXX~~
FROM: Sgt. M. Moody, Inmate Grievance Chair
DATE: *4/13/06*
RE: MEDICAL GRIEVANCE # *06-31043*

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

15

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO:

Harry Collins ~~24~~

FROM:

Sgt. M. Moody, Inmate Grievance Chair

DATE:

4/13/06

RE:

MEDICAL GRIEVANCE # 06 - 31203

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

15

Multi-Purpose Criminal Justice Facility
Inter-Dept. Memo

TO:

Harry Collins *OFF*

FROM:

Sgt. M. Moody, Inmate Grievance Chair

DATE:

4/25/06

RE:

MEDICAL GRIEVANCE # *06 - 33603*

Please be advised that your medical grievance has been received in the office of the Grievance Chair. In accordance with the Inmate Grievance Procedure 4.4, it has been forwarded to the Medical Department for processing.

If no one contacts you for an informal resolution or if your grievance can not be resolved informally, you will automatically be scheduled for a grievance hearing before the Medical Grievance Committee (MGC). Please keep in mind your grievance is only one of numerous others received in this office on a daily basis. Thank you for your patience.

Exhibit E Section 5

These documents were disciplinary action was taken on me due to my inability to get up and down because of sever pain in my stomach and side, which I'm still having but did in fact have a inflamed gall batter at the time and was told by the specialist that had they of waited to much longer that it would burst ,all so added here is a picture of my gall batter

In these documents is were one Lt Rider chocked me in the out cove because I refused to sleep on the floor on a wet peace of foam and had a bottom bunk pass as well.

Disciplinary#
3012584

HRYCI Howard R Young Correctional Center

1301 E. 12th Street
WILMINGTON DE, 19809
Phone No. 302-429-7700

DISCIPLINARY REPORT

Disciplinary Type: <u>Class1</u>		Housing Unit: <u>Pod 1E</u>		IR#: <u>3016155</u>	
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00156625	Collins, Harry T J	HRycI	Pod 2C	12/13/2005	10:05

Violations: 2.06/200.108 Failing to Obey an Order, 2.11/200.102 Off Limits

Witnesses: 1. Cooper, Leathia 2. N/A 3. N/A

Description of Alleged Violation(s)

On Tuesday, December 13, 2005 I/M Collins, Harry Stated That He Had A Memo To For The Bottom Bunk. I C/O Cooper Notified Cp Mcmillan In Primary Control To Find Out If The Memo Was Still Valid Since It Was Dated From October 3, 2005. Cpl Mcmillan State The Memo Was Good For 90 Days And That I/M Collins Could Have The Bottom Bunk Or The Floor, He Just Couldn'T Have The To Bunk. I Then Gave I/M Collins The Info He Then Stated He Was Not Locking In. I C/O Cooper Gave I/M Collins A Direct Order T Lock In, I/M Collins Did Not Comply A Code 6 Was Called. Various Qrt Members And Lead Worker Arrived And Escorted I/M Collin To Medical And Then To 1e To Be Housed. Eor.

Reporting Officer: Cooper, Leathia (Correctional Officer)

Immediate Action Taken

Immediate action taken by: Cooper, Leathia -Correctional Officer

Code 6 Called

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☐ Disapproved: ☐ Approved By: ()

Comments: N/A

Shift Supervisor Details

Date Received: Time: Received From:

Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

, ()

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer: _____

Offender: _____
Collins, Harry T J

DR#
3012374

HRYOI Howard R. Young Correctional Institution
1301 E. 12th Street
WILMINGTON DE, 19809
Phone No. 302-429-7700

DISCIPLINARY HEARING DECISION

Inmate : Collins, Harry T.J SBI#: 00156625 Type: Class 1
Institution: HRYOI Howard R. Young Correctional Institution Hearing Date: 12/02/2005 Time: 13:00

Inmate Present: Yes Reason(If No): N/A

Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: The inmate states that he was upset that he was sleeping on the floor and was asking Officer Cersier to move him off the floor and to get him a new mattress. He states that he did not threaten anyone.

Witness Name: Cerisier, Givency

Testimony : N/A

Witness Name: Poole, Charzelle

Testimony : N/A

Decision : Guilty

Rational : The report submitted by Lt.Ryder and spoke with Officer Cerieser who supported what Lt.Ryder stated. The inmate during the hearing did state that he was upset about the mattress he had.

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Lt. Walter Dych
Dych, Walter

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☐ DO ☒ DO NOT INTEND TO APPEAL

Harry T. Collins
INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

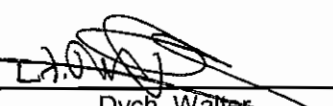
- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	11/29/2005	15	12/13/2005

1301 E. 12th Street
WILMINGTON DE, 19809
Phone No. 302-429-7700

DISCIPLINARY HEARING DECISION

Inmate : <u>Collins, Harry T J</u>	SBI#: <u>00156625</u>	Type: <u>Class 1</u>
Institution: <u>HRYCI Howard R. Young Correctional Institution</u>	Hearing Date: <u>12/16/2005</u>	Time: <u>14:00</u>
Inmate Present: <u>Yes</u> Reason(If No): <u>N/A</u>		
Violation: <u>2.06/200.108 Failing to Obey an Order, 2.11/200.102 Off Limits</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>The inmate states that the only way he knew to be able to talk to someone was to not lock in.</u>		
Witness Name: <u>Cooper, Leathia</u>		
Testimony : <u>N/A</u>		
Decision : <u>Guilty</u>		
Rational : <u>Due to the circumstances involved and the fact the inmate does have a memo from medical stating he should be on a bottom bunk. The inmate was notified in the future refusing to lock in is not the correct way to handle this issue.</u>		
Sanctions: <u>N/A</u>		
HEARING OFFICER'S SIGNATURE  Dych, Walter		
I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.		
<input type="checkbox"/> DO <input checked="" type="checkbox"/> DO NOT INTEND TO APPEAL		
INMATE's SIGNATURE _____		
<u>ORDER TO IMPLEMENT SANCTIONS</u>		
<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate	
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired	
It is here by ordered to implement the sanctions:		
Sanctions	Start Date	Days
1. Loss of All Privileges	12/13/2005	10
		End Date
		12/22/2005

**Delaware Department of Correction
Health Care Services Fee Sheet**

Inmate Name _____ SBI # _____
(Last, First MI)

Facility _____ Date _____

_____ Chargeable Visit	\$4.00
_____ Non Chargeable Visit	-0-
_____ Medication Handling Fee (\$2.00 X _____)	\$ _____

Total Amount Charged To Inmate Account \$ _____

Health Care Staff Signature: _____

I CERTIFY BY MY SIGNATURE THAT I HAVE RECEIVED THE SERVICES DESCRIBED ABOVE.

Inmate Signature: _____ Date: _____

1) *Witness Signature: _____ Date: _____

2) *Witness Signature: _____ Date: _____

The fee for services rendered will be deducted from your inmate account even if the amount deducted generates a negative balance. Any funds received by you will first be applied to any negative balance. Any negative balance remaining on your account when you are released will remain active for three (3) years after the date of release. Should you return to Delaware Department of Correction as an inmate within that three (3) year period, the negative balance will be applied to your inmate account on your new commitment.

Distribution:

Original: Facility Business Office Posted/Entered by _____ Date _____
Copy: Inmate Medical Record (yellow)
Inmate (pink)

*Only needed if inmate refuses or is unable to sign.

FORM #: 62I

3 part NCR

FORM #: 127 (F&B)
(2-part NCR)
Revised: 6/01

NOTICE OF DISCIPLINARY HEARING
FOR MINOR/MAJOR OFFENSE

To be completed by
Hearing Office
DR 3012584

TO: Inmate Collins, XARRY SBI#: 6156625 HOUSING UNIT: _____

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.
How do you plead? ☐ Guilty ☒ Not Guilty
3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand
 - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 5 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of more than 15 days but less than 90 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
 - c. Isolation confinement for a period of time not to exceed 30 days.
 - d. Loss of good time for a period not to exceed 30 days.
(Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the right in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.
6. Counsel requested? ☐ Yes ☒ No Name of Counsel: SELF
7. Witness requested? ☐ Yes ☒ No Name(s) of Witness: _____
8. Confront accuser? ☐ Yes ☐ No _____

I certify that on 12/19/15 at 14:15, I served
(date) (time)

upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and (2) the Disciplinary Report is attached hereto.

I have received copies of 122 & 593 and understand my rights as Form #593 has been read to me.

(Employee's Signature & Title)

(Inmate's Signature)

.....
INMATE RIGHTS IN THE DISCIPLINARY PROCESS

MINOR OFFENSE

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

*TO: Harry Collins, 156625
IE Pod*

FROM: Warden Raphael Williams

DATE: December 12, 2005

*SUBJ: **YOUR RECENT CORRESPONDENCE***

Your allegations of being choked by Lieutenant Ryder have been investigated and there is no merit to your complaint.

RW:adc

DISTRIBUTION

File



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: *Harry Collins, 156625*
IE Pod

FROM: ~~Warden Raphael Williams~~

DATE: *November 30, 2005*

SUBJ: ***YOUR RECENT CORRESPONDENCE***

Your recent correspondence has been forwarded to Captain Berggrun for investigation.

RW:adc

DISTRIBUTION

Captain Berggrun
File



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

A handwritten signature in cursive script, appearing to read 'Jo'.

MEMORANDUM

TO: *Harry Collins, 156625*
1E Pod

FROM: *Warden Raphael Williams*

DATE: *January 13, 2006*

SUBJ: ***YOUR RECENT CORRESPONDENCE***

Currently, you are housed on the disciplinary unit pending a disciplinary hearing. Your correspondence has been forwarded to Captain David Bamford for review and action.

RW:adc

DISTRIBUTION

Captain David Bamford
File

Exhibit F Section 6

These are correspondence letters that I had with the ACLU and The Center For Justice.

Delaware Center for Justice
100 West 10th Street, Suite 905
Wilmington, DE 19801

Adult Offender Services Program

Date: October 13, 2005

Harry Collins # 156625
Howard R. Young Correctional Inst.
P.O. Box #9561
Wilmington, DE 19809

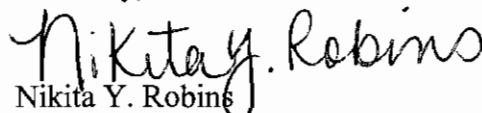
Dear Mr. Collins:

This is to acknowledge receipt of your letter. After careful review of your letter, the following decision has been reached:

- ☐ We do not deal with the issue(s) in your letter
- ☐ We advise you to contact your institutional medical provider
- ☐ Provide additional information on the matter for follow up
- ☐ Contact your Counselor at the institution for help and guidance
- ☐ We will contact you upon further investigation and follow up
- ☐ File a grievance using the internal 4.4 Grievance Procedure
- ☐ Requested information enclosed
- ☒ **Other: I spoke with medical in regard to your medical treatment. They are currently addressing issue of pain and a bottom bunk memo was issued. I hope they have addressed all your needs. If you need further assistance, please write.**

Thank you for your interest in our agency.

Sincerely,


Nikita Y. Robins
Case Manager, Adult Offender Services

aclu delaware

August 8, 2006

Harry T. Collins
SBI # 156625
SCCC
SVOP / SWRU
23207 Dupont Boulevard
Georgetown DC 19947

Dear Mr. Collins:

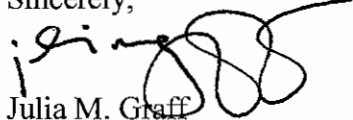
Thank you for your recent letter about which we have a few questions. Before doing so, however, we have a few comments. First, we are only in the initial stages of collecting and analyzing information from many inmates who have written to us to complain of inadequate medical care. Second, any potential legal course of action that we pursue will seek to benefit all inmates rather than specific inmates individually.

Because a law called the Prison Litigation Reform Act prevents prisoners from filing suits if they have not exhausted the grievance system, we would need to see your medical grievances and grievance-related paperwork to evaluate whether your situation is one that we should consider further at this point. You mention that you fear retaliation may result from filing grievances. However, it is important to reiterate that you will never be able to file a suit in court without having exhausted the medical grievance system. **Have you ever filed any medical grievances? Do you have any evidence that you would suffer retaliation from filing a medical grievance?** If you have any questions about the grievance process, please refer the memo that we included with our last letter. One final question: **will you be release from the Delaware prison system shortly?**

We appreciate your patience as well as any other information you wish to share with us about the provision of health care in Delaware prisons.

I look forward to your response.

Sincerely,



Julia M. Graff
Staff Attorney
ACLU of Delaware

Enclosure

aclu delaware

Dear Friend:

We have received complaints from many Delaware prisoners and detainees that they are being denied care for serious medical and mental health problems. We are currently conducting an investigation to try to find out whether these complaints are the result of major faults in the State's system for delivering medical and mental health care to prisoners and detainees. If we find in our investigation that there really are serious system-wide problems, we will seriously consider bringing a class action lawsuit on behalf of Delaware prisoners, seeking improvements in the medical and mental care system in the State's prisons and jails.

Although we very much want to help improve conditions for Delaware prisoners and detainees, there are many factors that will determine whether we can take further action. One of the obstacles is that the law requires prisoners to "exhaust administrative remedies" before filing any lawsuit about prison conditions. This means that the courts do not allow *any* prisoner or detainee to file *any* lawsuit complaining about prison conditions until he or she *completes* the prison grievance process.

Therefore, if you have recently been denied care for some serious medical or mental health need, it is very important that you complete the prison grievance process if you want to preserve your right to sue later. You should carefully review the grievance procedures before you file a grievance. If you don't have a copy of the grievance procedures, there should be a copy for you to review in the library or in the counselor's or Inmate Grievance Chairperson's office. We are sending you this letter to explain to you our understanding of how the Delaware grievance process works, in hopes that it will help you successfully complete the grievance process, should you choose to do so.

FILING THE GRIEVANCE

1. If you believe you have been wrongly denied treatment or otherwise received inadequate medical or mental health care, you should file a Form #585 **immediately**. Ask the prison law librarian or other prison staff member for one of these forms. **If you wait to file a grievance, you may lose your right to sue in court.** The general deadline for filing grievances is **within 7 days** of the "incident" that the grievance is about. (This deadline may not apply to medical grievances, but to be on the safe side, you should always file your medical grievances right away.)

There are four parts to Section #1 of a medical grievance. You must complete them all:

Date & Time of Medical Incident: If you have a chronic (long-term) illness, there may not be a specific date or time that you are complaining about. In that case, you should write "ongoing."

Type of medical problem: In this part, you must explain what medical problems you are having and why you don't think you are getting proper care.

Be as specific as possible. State what your medical or mental health conditions are, and state what kind of treatment you are complaining about – for example, that you are being denied medication, a test or procedure, an exam by a doctor or specialist, or an accommodation for a disability. You should also note if you believe you are getting the wrong care or the care you need is being wrongly delayed.

Whenever you can, include names, job titles or descriptions of all people you believe are responsible for the lack of treatment or bad treatment you're receiving. **In all of your grievances, you should name Correctional Medical Services, the Corrections Commissioner (Stan Taylor) and the warden of your facility as being responsible.**

Write about current problems. You should use the grievance procedures to complain about problems you are having now. If you complain about old problems that are no longer bothering you, your grievance may be dismissed as being untimely

Signature & Date: Be sure to remember to sign and date the grievance before you submit it.

Action Requested by Grievant: Write here what you want staff to do to help the problem. Don't worry about putting down the "right" request here. If you're not sure what should be done, it is good enough to ask that they give you adequate medical or mental health care. If you want money damages, you should write that here too.

2. Once you have completed your grievance, drop it in the grievance mailbox.
3. **Keep extra copies of everything you file,** if at all possible. If prison staff later lose the grievance or fail to respond to it, you can prove that you did file one out if you make an extra copy.

PRESERVING YOUR RIGHT TO APPEAL THE GRIEVANCE

4. After you file a Form #585, one of the medical staff may speak with you about the grievance. That staff member may try get you to sign a statement saying that the problem has been resolved.

CAUTION:

If you sign this statement saying that the problem has been resolved, it will end the grievance process and you will not be able to appeal the grievance. It is also

possible that if you don't appeal the grievance, a court might later bar you from filing a lawsuit on this issue. Even if the prison medical staff or prison officials promise to provide you with all or some of the care you are asking for, this is not a guarantee that you will get that care. Therefore, as a general rule, we believe it may be better not to sign the informal resolution – unless you are sure you have already been given everything you need and were asking for.

GRIEVANCE HEARING

5. If you don't sign the statement, there should be a hearing before three members of the medical staff, called the Medical Grievance Committee.

6. The hearing officers may again ask you to sign a statement saying that the problem has been resolved. Again, if you sign the statement, you will lose your right to appeal and you may lose your right to file a lawsuit later.

APPEALING THE DECISION

7. After the hearing, **you should immediately file an appeal.** The general deadline for grievances is **within 3 days** of receiving the decision.

- To file an appeal, you should use the same Form #585 that you filed your original grievance on. You should get this form back by the end of the hearing. If you don't, you should ask the medical grievance committee to return it.
- The grievance procedures require you to explain the reasons for your appeal. It is probably safest if your answers cover everything that you believe was wrong with the Medical Grievance Committee decision. If you received no relief from the Medical Grievance Committee, you should re-state all of the problems you identified in your grievance. Before you file your appeal, you should carefully review your grievance and make sure the appeal covers all of the same issues.
- Be sure to **sign and date** the appeal.

8. Once you have received a decision on your appeal from the Bureau Chief of Prisons, you have completed the grievance process.

SEND US COPIES OF YOUR COMPLETED GRIEVANCES

9. It is very important that you save all of the paperwork you get from the grievance process. Once you have completed the process you should send a copy of all of your paperwork to:

**Julia Graff
Staff Attorney
ACLU of Delaware
100 West 10th Street, Suite 309
Wilmington, DE 19801**

If you send us the originals, we will make a copy for you and send back the originals.

You may be unable to get a decision from the Bureau Chief of Prisons because prison officials fail to respond to your grievance or appeal, or because prison officials refuse to consider your grievance. If this happens, or if you are unable to complete the grievance process for any reason, write to us about your problem and send us copies of the paperwork that you have received so far.

If you have any other questions about how to use the grievance process, you should ask the law librarian or the inmate grievance chairperson for help. You may also write to us and we can try to help you through the process.

Sincerely,

Drewery Fennell
Julia Graff
ACLU of Delaware

Margaret Winter
Eric Balaban
Jeffrey Monks
ACLU National Prison Project